

REMARKS

Claims 13, 15-20, 23-28 are pending in the application; claims 14 and 21-22 are canceled with the instant amendment

Drawings

The drawings are objected under 37 CR 1.83(a) for not showing all of the features claimed in the claims. The examiner refers to:

- 1) the inner and outer layers of the container wall (claim 18);
- 2) composite film of strap handle (claim 20);
- 3) reclosable upper end (claim 25);
- 4) gussets and stand-up bottom of the container (claims 26-28).

A new drawing sheet with Figs. 7 and 8 is submitted herewith. Fig. 7 illustrates similar to Fig. 6 schematically a cross-section of the container wall and shows inner and outer layers 6a, 6b (item 1). Also shown in Fig. 7 is a strap handle 2 that is comprised of composite film, i.e., thermoplastic material and polyester 2a, 2b (item 2).

In regard to items 3 and 4, Fig. 8 shows schematically (based on Fig. 5) a container with a strap handle arrangement, wherein the container has gussets G as indicated by dashed lines (gussets or folds at the side of a bag are well known and the dashed lines should be sufficient to fulfill the drawing requirement). The container also has a stand-up flat bottom FB (also indicated by a dashed line to indicate the inner flat bottom) and is reclosable (schematically indicated by known reclosable strips R; reclosable bags such as the "ZipLock" variety are well known not only to persons skilled in the art but to anybody dealing with food).

It is therefore respectfully submitted that the new drawings do not introduce new matter.

The specification has been amended to include a description of the drawings.

Reconsideration and withdrawal of the objection to the drawings are respectfully requested.

Rejection under 35 U.S.C. 103

Claims 13, 15-21, 24 stand rejected under 35 U.S.C. 103(a) as being unpatentable over *Souss et al.* (US 4,905,888).

Claims 13-22 stand rejected under 35 U.S.C. 103(a) as being unpatentable over

LaBras et al. (US 6,598,784).

Claims 13, 14, 18-22, 25-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0 554 693.

Claim 13 has been amended to include the features of claims 14 and 22. The following additional features have been added: the strap handle is connected with its ends by gluing or heat sealing to the support patch and has a loop part that rest flat without folds on the support patch; see Fig. 3 or 5. Moreover, the support patch keeps the interior of the bag/container sealed when the handle is in use (continuous seal at 7; see Fig. 3).

The reference to *Souss et al.* no longer applies as the features of claims 14 and 22 are not disclosed in this reference.

In regard to *LaBras* it is respectfully submitted that the support patch shown in *LaBras* has flaps (for example, 81 and 83 in Fig. 1B; 191, 193 in Fig. 6; 291, 293 in Fig. 10) that when the handle is deployed are pushed inwardly into the container (see col. 5, lines 33-49) to provide the required length of the handle loop and secure, for example, bottles carried in the container. This means that the support patch does not seal the interior of the container when the handle is used. When bulk material is stored or transported in such a container, the material will spill. In order to prevent this, the present invention provides a support patch that is connected around its edges to the inner wall of the container and provides a sealing action even when the handle is deployed.

In regard to EP 0 554 693 it is respectfully submitted that this handle is attached to the exterior of the container wall and not by means of a support patch on the inner side of the container. Fig. 2 of this reference shows at 13 the material web from which the bags are to be made and the glue 14 applied to the web. The strap part 10 is attached with ends 11 to the applied glue 14. Onto the glued strap ends 11 cover patches 16 are applied. Figs. 4 and 5 show section views of this arrangement. Reference numeral 9 in Fig. 4 indicates the container wall to which the multi-layered handle 10 (layers 24, 25, 26) is attached. The cover patches 16 are shown positioned outwardly on the ends of the strap.

A variation is shown in Figs. 6-9, where a handle unit 31 (see right end of Fig. 7) is shown that has been cut off at 42 from a continuous web 32. The unit 31 is comprised of a base layer 32, reinforcements 37-39 glued to the base layer, handle 10 glued to the reinforcements. The units 31 produced as shown in Fig. 7 is glued to the closed bottom of

a bag as shown schematically in Fig. 8 (bag 1 with bottom 5); the finished product is shown in Fig. 9.

This reference therefore does not disclose a support patch that is glued to the inner side of the container and that seals the access opening for the handle and keeps the interior of the container sealed when the handle is deployed.

Claim 13 as amended is therefore believed to be allowable over the cited references. Reconsideration and withdrawal of the rejection of the claims under 35 USC 103 are therefore respectfully requested.

ALLOWABLE SUBJECT MATTER

Claim 23 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has rewritten claim 23 as an independent claim by including the features of claim 13. Claim 23 is thus presented in allowable form.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on February 17, 2009,

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